

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SYNDICATED OFFICE SYSTEMS, INC.,	)	
ASSIGNEE OF SAINT LOUIS	)	
UNIVERSITY HOSPITAL et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:05CV00640 ERW
	)	
THE GUARDIAN LIFE INSURANCE CO.	)	
OF NORTH AMERICA et al.,	)	
	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Currently before the Court are the following motions: (1) Plaintiff's Motion for Default Judgment or, in the Alternative, to Compel Discovery Responses and for Sanctions [doc. #46]; (2) Defendant Guardian Life Insurance Company's Motion for Extension of Time to File Answer [doc. #48]; and (3) Defendant Guardian Life Insurance Company's Motion for Hearing Oral Argument or Testimony [doc. #50].

In its Motion for Default Judgment or, in the Alternative, to Compel Discovery Responses and for Sanctions ("Motion to Compel"), Plaintiffs state that they have made numerous attempts over the past several months to obtain discovery from Defendant Guardian Life Insurance Company of North America ("Guardian"). According to Plaintiffs, Guardian was served with Interrogatories and Requests for Production of Documents on November 16, 2005. When no response was received, Plaintiffs made numerous efforts to obtain the requested discovery, including several phone calls and letters to counsel for Guardian. Plaintiffs state that, to date, they have not received the requested discovery responses. Plaintiffs argue that the Court should take at least one of the following steps: (1) enter judgment against Guardian pursuant to Federal Rule of Civil Procedure 55; (2) order Guardian to immediately respond to Plaintiffs' outstanding discovery requests; (3) sanction Guardian for its delay in responding to the discovery requests by awarding Plaintiffs their attorneys' fees

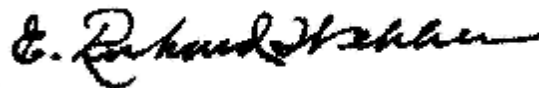
incurred in pursuing this Motion; (4) prohibit Guardian from asserting any defenses to Plaintiffs' Complaint; and (5) bar the testimony of Guardian's witnesses at trial. Plaintiffs emphasize that time is of the essence due to an upcoming mediation date of March 20, 2006.

The three motions currently before the Court, including Plaintiffs' Motion to Compel, are not yet fully briefed. However, the Court agrees with Plaintiffs' conclusion that prompt attention to this matter is required due to the upcoming mediation date. Mediation will be more effective if Plaintiffs have the benefit of obtaining responses to their long-outstanding discovery requests. Moreover, Guardian has had ample time and opportunity to produce the requested discovery. Therefore, at this time, the Court will grant Plaintiffs' Motion to Compel, in part. Guardian shall produce all outstanding discovery responses no later than March 10, 2006.<sup>1</sup>

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Default Judgment or, in the Alternative, to Compel Discovery Responses and for Sanctions [doc. #46] is **GRANTED, in part**. Guardian shall provide full and complete answers and responses to Plaintiff's outstanding discovery requests no later than **March 10, 2006**. Plaintiffs' Motion shall remain pending until it has been fully briefed, at which time the Court will issue a timely ruling.

Dated this 27th day of February, 2006.



---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>The Court will take under advisement the remaining requests for relief listed in Plaintiffs' Motion to Compel, pending Guardian's response to Plaintiffs' Motion. Specifically, the Court will focus its attention on why it should not order Guardian to pay Plaintiffs' attorneys' fees incurred in pursuit of this Motion.